



**CITY OF NEWARK
DELAWARE**

August 17, 2018

TO: Mayor and Council
Acting City Manager Tom Coleman

FROM: Renee Bensley, City Secretary *RWB*

RE: Discussion and Direction to Staff Regarding Potential Charter Changes

Councilwoman Wallace requested that a discussion be placed on a Council agenda for Council to review potential charter changes. Council members and staff were emailed on July 17, July 27, July 29 and August 14 requesting their input for potential charter changes to be discussed. The following suggestions were received:

General changes

- Use gender neutral pronouns (Councilman Markham)

Article III. Structure of Government

Section 304 – Election and Term of Office

- Change the terms of office for Mayor and Council members to six-year and four-year terms respectively. This would require changes to Subsections 304.1, 304.2 and 304.4 (Mayor Sierer)

Section 309 – Meetings of Council

- Change the organization meeting from the first Tuesday following the regular municipal election to seven days after the certification of the regular municipal election to match State Code (City Secretary Bensley)
- Change the parameters in which an executive session is permitted to those permitted under the Delaware Freedom of Information Act. (City Secretary Bensley)

Section 312 – Quorum and Majority Requirements.

- Remove “The member involved shall be the sole judge of whether or not there is such conflict of interest” and change it to “The member involved shall consult and abide by the opinion of the City Solicitor to determine if there is such conflict of interest. The City Solicitor may refer the matter or the Board of Ethics for determination. The member may appeal such opinion to the Board of Ethics. The ruling of the Board of Ethics shall be the final determination.” (Councilman Markham)

Article IV. Powers of Council

Section 404 – Power to Raise Revenue

- Change the income for the senior property tax exemption from \$3,000 to \$15,000 (Councilman Markham)

- Remove “telegraph” (Councilman Markham)
- Add language to permit the Council to adopt a fire protection fee to benefit Aetna Hose, Hook and Ladder to be added as a component of the City’s water bill (City Solicitor Bilodeau)

Section 405 – The City May Engage in Business

- Allow sewer service to be permitted outside of City limits with identical criteria for water service outside of City limits (Acting City Manager Coleman and Planning and Development Director Gray)

Section 406 – Borrowing for Current Expenses and Other Liabilities

- Change the permitted indebtedness from \$500,000 to \$1,000,000 (Councilman Markham)
- Remove the requirement for a referendum to access funding from the State Revolving Fund Loan Program for infrastructure projects (Acting City Manager Coleman)

Section 407 – Power to Incur Bonded Indebtedness and Tax Increment Financing

- Change 407.2 to remove "In addition thereto, every person owning property in the City of Newark and who is not otherwise a qualified voter and each corporation owning property in the City of Newark shall be entitled to one vote under this section." (Councilwoman Wallace)
- Change 407.2(5) to address multiple owners of one property, who are also qualified voters, getting an additional vote if the property is legally held by some form of corporate structure, i.e. trusts (Councilman Morehead)

Article V. Property and Special Assessments

Section 501 – Property Assessments

- Change the period of redemption for a tax sale from one year to “within 60 days from the day the sale thereof is approved by the Court”, which is consistent with 9 *Del. C.* §8729 for Counties (City Solicitor Bilodeau)
- Consider adding a provision for a homesteading tax credit to allow a property tax credit for owner-occupied properties (Acting City Manager Coleman and Finance Director Del Grande)

Section 502 – Levying of Special Assessments

- This section allows for the lien of water and sewer bills, but not stormwater or electric bills (Councilman Morehead)

Article VII. City Administration

Section 701 – City Manager

- Change the “an indefinite term” reference in Section 701.1 to “a period of three years”. (Councilwoman Wallace)
- Add “or similar criteria” to Subsection 701.1 after the requirement for the City Manager to be appointed “solely on the basis of his municipal administrative qualifications” in order to broaden the pool of qualified candidates for the City Manager position (City Solicitor Bilodeau)

Section 702 – Creation of Departments

- Consider changing Section 702.2 to reflect the current structure for the role of the City Treasurer or consider who is designated the City Treasurer (Councilman Morehead)
- Consider changing Section 702.3 to allow Newark Police Officers to have the power to enforce laws within New Castle County pursuant to an ongoing investigation originating in the officer’s original jurisdiction. This is similar to authority granted to the City of New Castle and the City of Wilmington (Acting City Manager Coleman, Chief Tiernan and Deputy Chief Feeney)

Article X. Nominations and Elections

Section 1002 – Election Procedure

- Change the second paragraph of Subsection 1002.2 to read “When the polls shall have been closed, the election officers shall publicly count the ballots and shall announce the unofficial results of the election. After the appeals period as designated by ordinance has concluded, the election board shall meet and shall certify the results of the election to each of the persons elected and to the council.” (City Secretary Bensley)

Path Forward

Staff recommends that Council discuss the aforementioned charter change proposals and provide direction as to which proposals they would like to consider further. Any proposals chosen will be brought back with additional information if necessary for a discussion in the fall regarding the City’s priorities for the 2019 legislative session.

Please feel free to contact me with any questions.

/rkb

